COMBINED DECLARATION AND POWER OF ALL.

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, ES DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that

This declaration is of the following type: (check one applicable item below)

orignal	Jania
Z	C

- desagn
 supplemental
- NOTE: If the declaration is for an International Application being filed as a divisional, continuentum or continuarion-in-part application do and check next item; check appropriate one of last three items.
- ☐ national stage of PCT
- NOTE: If two of the fullowing 3 items apply then complete and also entach ADDED PACES FOR DIVISIONAL, CONTINUATION OR CIP. continuation

continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims an exploration of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and critizenship are as stated below next to my name, I believe I am the criginal, first and sole inventor (if only one mane is listed below) or an original, first and joint invector (if phreal names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled.

TITLE OF INVENTION

APPARATUS FOR THERMAL THEATMENT OF AN INTERVERTEBRAL DISC

(Decknatum and Power of Attumey [1-1] - page 1 of 5

4 2002

SPECIFICATION IDENTIFICATION

the specification of which: (complete(a), (b) or (c))

- (a) | is attached hereto.
- was filed on December 18, 2000 as [X] Serial No. 09/139,428 or [] Express Mail No. and was amended on as Serial No. not yet known X (e)

	Assemblement (Det alber the criginal propers one deposited with the PTU which contains now marter are asserted to the good of the property of, in the case, being now of a supplemental propers of, in the case, being not not be to the declaration. Accordingly, the encodement invested on the crigical statement of instruction of a supplemental declaration, are those encodements of instruction or the consequence of the crigical statement of instruction or the consequence of the crigical statement of instruction or the critical statement of instruction or the critical statement of the crit	
	nigiral papers are departed vide the l stron. Accordingly, the exacolments is no three emerkeans claiming cast	
•	Der Char De deck schreefen R. 167	
applicable).	Americanis (Bed after the ori being referred to in the declara of a supplemental declareform claims. Sec 37 C.P.R. 1.67	

NOTE

filed on (Kun) (c) Was described and claimed in PCT International Application No.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any antendanean referred to above.

I acknowledge the duty to disclose information which is numerial to patentability as defined in $37\,\mathrm{CFR}$ § 1.56.

and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examines would consider it important in deciding whether to allow the application to issue as a patent, and

in compliance with this dary there is attached an information disclosure statement in accordance with 37 C.F.R. 1.98.

PRIORITY CLAIM (35 U.S.C. §119)(a)-(d)

certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter baving a filing date before that I bereby claim foreign priority benefits under Title 35, United Status Code, §119(a)-(d) of application(s) designating at least one country other than the United States of America listed below and have also identified below any forcign application(s) for patent or inventor's any forcign application(s) for patcal or inventor's certificate or of any PCT international of the application(s) of which priority is claimed.

(connplete (d) or (e))

- no such applications have been filed. ⊠ □ © ©
- such applications have been filed as follows.
- Where then (c) is enferred above and the beameannal Applications which designated the U.S. itself designed princing chack item (c). onto the destite below and under the princing class. NOTE:

(Declaration and Power of Attambey (1-1) – page: $2\ {
m af}\ 5$

PRIOR FOREIGNÆCT APPLICATION(S) FILED WITHIN 12 MONTHS

(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119(a)-(d) PRIORITY CLAIMED UNDER 35 U.S.C. 119

DATE OF FILDIG (dep, active, peer)

APPLICATION NOMBER

COUNTRY (OR INDICATE IF PCT)

O YES I NO

I beredy claim the benefit under Title 35, United States Code, §119(e) of any United Trovisional application(s) histed below.

FILING DATE

1.822

ON CO SEX CO

States provisional application(s) listed below.

PROVISIONAL APPLICATION KUMBER

60/171,822

ALL FORRIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MOWTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

If the supplication (likel sucre than 12 member from the filting date of this stythments in a PCT (filting froming the boxis for this exprisedon centering the United Sucre as (1) the actional stage, or (2) a confinement, or confinement or confinement in that complice ADDED PACES TO COMBRED DESTARATION FOWER OF ATTORNEY TORDINGSOMA, CONFIDENCE ADDED PACES TO COMBRED PACES TO COMBRED TO DESTARATION FOR OUR ATTORNEY TORDINGSOME. **KOJE**

POWER OF ATTORNEY

I hereby appoint the following atomey(s) and/or agrat(s) to procedur this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration manber)

DAYID B. CARITER, Reg. Ph. 30,949; FETER DELUCA, Reg. Ph. 31,978 RAYMOND E. PARREILL, Reg. Pho. 34,816; IGSEPH W. SCHMIDT, Reg. No. 36,925; JERTREY S. STEEP, Reg. Ph. 31,665; RUSSELL E. KASSNER, Reg. Po. 46,18; CHENTOPHER C. TEARNOR, Reg. No. 39,117; GROSGE LIKOUREZOS, Reg. No. 40,667; EDWARID C. 54,18; CHENTOPHER Reg. Ph. 41,189; PRANCESCO SARDONY, Reg. No. 47,918; JIDN NAARMAT, Reg. No. 39,311; LBE GROSSEREIZH REG. PHECHTER, Reg. No. 43,717; card of lama of CANTEN, GROSSEREIZH REG. NO. 43,717; card of lama of CANTEN, LBC CANTOP, LLP, 445 Broad Hobor Road, Machile, Nov York 11747; and, DAVID KONIR, Reg. DELUCA, FREREIL & SCHMIDT, LLP, 445 Broad Hobor Road, Machile, Nov York 11747; and, DAVID KONIR, Reg. No. 39,909; DOUGLAS E. DENNUNGER, Reg. No. 31,752; PAUL B. AUDET, Reg. No. 24,479; and, MARK FARBUR, Reg. No. 24,479; and, MARK FARBUR, 150; Grover Avence, Novemilk, Camordical 04456.

(Deducation and Power of Attorney [1-1] - page 3 of 5

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93672299

DIRECT TELEPHONE CALLS TO: (Nome and telephone mumber)

SEND CORRESPONDENCE TO:

(203) 845-4603

a Division of Tyco Healthcare Group LP

Douglas R. Denninger, Esq.

United States Surgical,

150 Glover Avenue Norwalk, Connecticat 06856

DECLARATION

I bereby declare that all statements made herein of my own knowledge are true and that all statements were made with the knowledge that willful false statements and the like so made are purishable by fine or imprisonment, or both, under Section 1001 of Tale 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any statements usade on information and belief are believed to be true; and further that these patent issued thereon.

SIGNATURE(S)

Carefolty indicate the femily (or lead) same as is shootd appear on the filing receipt and all other docerneons. NOTE

(Declaration and Power of Automory [1-1] - page 4 of 5

PTY LTD

NCV 0 4 2002

Signature by administrator(trix), executor(trix) or logal representative for deceased or

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PACE(S) WHICH FORM A PART OF THIS DECLARATION

Signature for subsequent joint inventors.

Number of pages added

Signature for inventor who refuses to sign or carnot be reached by person authorized under 37 C.F.R. § 1.47. Number of pages added

incapacitated inventor.

Number of pages added ___

Ī

Added pages to combined declaration and power of automey for divisional, continuation, or continuation-in-part (CIP) application.

Number of pages added _____ 4

If no further pages form a part of this Declaration then end this Declaration with this page and cheek the following item. Authorization of attorney(s) to accept and follow instructions from representative.

Þ

I This declaration ends with this page.

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(Deducation and Power of Attorney [1-1] - page 5 of 5



COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:
TYPE OF DECLARATION
This declaration is of the following type: (check one applicable item below)
☑ original☐ design☐ supplemental
NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in- part application do <u>not</u> check next item; check appropriate one of last three items.
□ national stage of PCT
NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.
☐ divisional ☐ continuation ☐ continuation-in-part (CIP)
INVENTORSHIP IDENTIFICATION
WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.
My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:
THE OF INVENTION

TITLE OF INVENTION

APPARATUS FOR THERMAL TREATMENT OF AN INTERVERTEBRAL DISC

SPECIFICATION IDENTIFICATION

the s	peci	ification of which: (complete (a), (b) or (c))
(a)		is attached hereto.
(b)	X	was filed on <u>December 18, 2000</u> as ⊠ Serial No. <u>09/739,428</u> or □ Express Mail No., as Serial No. not yet known and was amended on (if applicable).
NOTE		Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. 1.67.
(c)		was described and claimed in PCT International Application No filed on and as amended under PCT Article 19 on (if any).
	A	CKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR
spec	I he	ereby state that I have reviewed and understand the contents of the above identified ation, including the claims, as amended by any amendment referred to above.
in 3		knowledge the duty to disclose information which is material to patentability as defined F.R. §1.56.
	the	I which is material to the examination of this application, namely, information where RECEIVED re is a substantial likelihood that a reasonable Examiner would consider it important in NOV 1 9 2002 siding whether to allow the application to issue as a patent, and
	in o	compliance with this duty there is attached an information disclosure statement in cordance with 37 C.F.R. 1.98.
		PRIORITY CLAIM (35 U.S.C. §119)(a)-(d)
app bel cer Un	for for olica ow a tific ited	ereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of eign application(s) for patent or inventor's certificate or of any PCT international tion(s) designating at least one country other than the United States of America listed and have also identified below any foreign application(s) for patent or inventor's ate or any PCT international application(s) designating at least one country other than the States of America filed by me on the same subject matter having a filing date before that application(s) of which priority is claimed.
(complete (d) or (e))		
(d) (e) NO		no such applications have been filed. such applications have been filed as follows. Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119(a)-(d)

COUNTRY (OR	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
INDICATE IF PCT)	NUMBER	(my)	□ YES □ NO
			☐ YES ☐ NO
			TO A TOTAL CONTROL OF THE CONTROL OF

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) (34 U.S.C. §119(e))

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER
FILING DATE

60/171,822

December 21, 1999

RECEIVED

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHSNOV 1 9 2002 (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

NOTE:

If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. §120.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

DAVID M. CARTER, Reg. No. 30,949; PETER DELUCA, Reg. No. 32,978 RAYMOND E. FARRELL, Reg. No. 34,816; JOSEPH W. SCHMIDT, Reg. No. 36,920; JEFFREY S. STEEN, Reg. No. 32,063; RUSSELL R. KASSNER, Reg. No. 36,183; CHRISTOPHER G. TRAINOR, Reg. No. 39,517; GEORGE LIKOUREZOS, Reg. No. 40,067; EDWARD C. 36,183; CHRISTOPHER G. TRAINOR, Reg. No. 39,517; GEORGE LIKOUREZOS, Reg. No. 40,067; EDWARD C. MEAGHER, Reg. No. 41,189; FRANCESCO SARDONE, Reg. No. 47,918; JUDY NAAMAT, Reg. No. 39,311; LEE MEAGHER, Reg. No. 48,900; and, DANA A. BRUSSEL, Reg. No. 45,717, each of them of CARTER, GROSSKREUZ HECHTEL, Reg. No. 48,900; and, DANA A. BRUSSEL, Reg. No. 45,717, each of them of CARTER, No. 30,908; DOUGLAS E. DENNINGER, Reg. No. 31,752; PAUL R. AUDET, Reg. No. 26,439; and, MARK FARBER, No. 30,908; DOUGLAS E. DENNINGER, Reg. No. 31,752; PAUL R. AUDET, Reg. No. 26,439; and, MARK FARBER, Reg. No. 34,159; each of them of UNITED STATES SURGICAL, A DIVISION OF TYCO HEALTHCARE GROUP LP, 150 Glover Avenue, Norwalk, Connecticut 06856.

SEND CORRESPONDENCE TO:

DIRECT TELEPHONE CALLS TO:

(Name and telephone number)

Douglas E. Denninger, Esq. United States Surgical, a Division of Tyco Healthcare Group LP 150 Glover Avenue Norwalk, Connecticut 06856

(203) 845-4603

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor	: Philip Michael Finch
Inventor's signature	
Date	Country of Citizenship Australia
Residence 18 Hardy Street	
Post Office Address South Perth	West Australia 6151
Full name of second joint invento	r if any Eric R. Cosman
Inventor's signature	Colom
Date Sept. 30, 2002	Country of Citizenship USA
Residence 872 Concord Avenu	ie
Post Office Address Belmont, M.	A 02478

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NOV 1 9 2002
OFFICE OF PETITIONS

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH FORM A PART OF THIS DECLARATION

Ш	Signature for subsequent joint inventors. Number of pages added
	Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added
	Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. §1.47. Number of pages added ***
	Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application. Number of pages added ***
	Authorization of attorney(s) to accept and follow instructions from representative. ***
	If no further pages form a part of this Declaration then end this Declaration with this page and check the following item.
	☑ This declaration ends with this page